

Application No. 10/664,581
Communication dated September 5, 2007
Communication to Record Substance of Interview

Docket No.: 283-381

REMARKS

A telephone interview was conducted September 5, 2007 between applicants' representative George S. Blasiak and Examiner Daniel St. Cyr. Applicants' representative had contacted Kimberly D. Nguyen, the Examiner previously assigned to the application on August 30, 2007 to schedule an interview but received no return phone call. On further review of the Advisory Action of July 10, 2007, the applicants' representative noted that the application had been reassigned to Examiner Daniel St. Cyr.

Applicants' representative pointed out that the non-entry of the Amendment After Allowance dated June 6, 2007 was improper since the amended elements of Claim 29 were previously recited in prior Claim 33. Applicants' representative further pointed out that the elements of amended Claim 29 and prior Claim 33 are not disclosed in the primary reference, U.S. Patent No. 5,567,937 to Zheng et al. (Zheng). Applicants' representative requested the Examiner to specify where in Zheng the feature of a detector separate from an imager is disclosed in the primary reference. The Examiner was not able to locate such a teaching. However, rather than conceding that Claim 29 is allowable, the Examiner suggested that the applicants file an Appeal Brief so that the application would be further considered by the Board of Patent Appeals and Interferences.

In order to expedite an allowance and avoid the expense of an Appeal, applicants' representative suggested cancellation of Claims 29-35, but suggested that the amendment be made by way of an Examiner amendment so that applicants could avoid payment of a three month extension of time fee. The Examiner then agreed to make the cancellation of Claims 29-35 by way of Examiner amendment, and agreed that the application would be allowed on such cancellation.

Applicants' representative emphasized that the agreement to the cancellation of Claims 29-35 was to expedite allowance only and that applicants maintained the right to

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pursue claims directed to the cancelled subject matter in another application (e.g., continuing application).

The six month from final date in the application is September 7, 2007. In view of the impending deadline for response, applicants' representative requested that the Examiner send to applicants' representative by facsimile a Notice of Allowability by September 6, 2007.

The Examiner agreed to send applicants' representative a Notice of Allowability via facsimile by September 6, 2007.

While the applicants herein may have highlighted a particular claim element of a claim for purposes of demonstrating an insufficiency of an examination on the part of an Examiner, the applicants highlighting of a particular claim element for such limited purpose should not be taken to indicate that the applicants have taken the position that a particular claim element constitutes the sole basis for patentability out of the context of the various combinations of elements of the claim or claims in which it is present.

Accordingly, in view of the above amendments and remarks, applicants believe all of the claims of the present application to be in condition for allowance and respectfully request reconsideration and passage to allowance of the application.

If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 503577.

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Respectfully submitted,

By Mr S Blasi

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